US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch
CEPOA-CO-R
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE:	**31 May 2006**
EXPIRATION DATE:	**30 June 2006**
REFERENCE NUMBER:	**POA-2006-854-2**
WATERWAY:	**Chester Creek**

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plans.

APPLICANT: Anchorage Water and Wastewater Utility (AWWU), 3000 Arctic Boulevard, Anchorage, Alaska 99503, ATTN. Ed Sorenson, P.E.

AGENT: HDR Alaska, Inc., 2525 C Street, Suite 305, Anchorage, Alaska 99503-2632, ATTN. Sirena Brownlee

LOCATION: The proposed project is located in the tidal flats west of Westchester Lagoon, [Municipality of Anchorage Wetlands Atlas (2004), Map 19], within section 24, T.13 N., R.3 W., Seward Meridian; Latitude 61.21 N., Longitude -149.93 W., Anchorage, Alaska.

PURPOSE: To relocate two sewer force mains and to construct part of the new all-tide channel between Westchester Lagoon and Knik Arm such that a more natural, intertidal creek channel can be established from Westchester Lagoon to Knik Arm that will facilitate anadromous fish passage. The force mains will be relocated from above the existing culverts conveying Chester Creek to beneath a reconstructed creek channel in the same location.

WORK: Connect a temporary 300-foot long, 36-inch HDPE bypass pipe to the existing 42-inch force main to convey sewer flows around the work area. Remove approximately 40 feet length of the two 310-foot long, 84-inch diameter culverts that currently convey flow of Chester Creek from Westchester Lagoon to Knik Arm. Excavate 4,000 cubic yards from a total of 0.5 acre of tidally influenced mud flats and creek channel for the pipe trench 10 to 25 feet deep, 60 feet wide across at the widest

point of the trench, and approximately 230 feet long, parallel with the railroad berm and the current force main alignment. The two relocated force mains would be lowered into that trench. The trench would be backfilled with approximately 3,000 cy of clean structural backfill material and pipe bedding, and the surface would be shaped for a 53-foot length of the new creek channel configuration similar to the existing creek channel. Approximately 1,220 cubic yards of riprap (4 feet deep along the sides and bottom of the channel) would be discharged along this segment to reinforce the new channel to prevent erosion and damage to the force mains. The remaining mud flat area would be restored to pre-construction contours by grading and smoothing the natural substrate to match the existing contours. Tide water from Cook Inlet would be below the work site area at approximately tidal elevation + 10 feet. Construction equipment would operate in the creek bottom and below the high tide line. Excavation would only occur when tidal water is not present. Any water trapped within the trench may be pumped prior to additional excavation or backfilling. Water levels in Westchester Lagoon would be periodically lowered up to approximately two feet each day during trench excavation to shut off flow from the creek culverts and thereby reduce the amount of water coming into the work area; although the work site would be flooded twice daily during high tide periods. The 4,000 cy of material excavated from the creek channel and pipe trench would be temporarily stockpiled and then hauled from the project area to an off-site approved disposal location by the end of the 11-week construction period. The original ground surface below the temporary stockpile would be regraded and restored to pre-stockpile contours. A total of approximately 1.6 acres would be temporarily disturbed on the tidal flats. Existing vegetated areas in areas to be disturbed would have the vegetation removed in mats, approximately 8 inches thick, 3 feet square, and replaced at the same elevations. The Municipality of Anchorage Project Management and Engineering would assume responsibility of monitoring revegetation success and replanting if necessary.

ADDITIONAL INFORMATION: This area is tidally influenced so the work must be authorized by both Section 10 of the Rivers and Harbors Act that regulates not only discharge, but also excavation and structures in the tidally influenced (even if just historic) area below the mean high water (MHW, 28.3 feet) and Section 404 of the Clean Water Act that regulates discharges in wetlands and in tidally influenced areas below the high tide line (34.4 feet).

Currently, water discharging from Westchester Lagoon flows through 310 feet of two parallel 84-inch culverts located beneath the Alaska Railroad Corporation (ARRC) tracks and AWWU's two force mains. AWWU operates a 30-inch diameter force main and a 42-inch diameter force main above the two culverts. The two force mains convey sewage from the Chester Creek Pump Station; one of these force mains is used as a back-up; normally, it is not in use. The sewer pipes connected to the force mains run parallel with the ARRC berm in the tidal flats of Knik Arm.

This part of the project involves the lowering of the two force mains and associated utility pipes such that they will be below the new creek channel; this work is planned for spring 2007 after Tesoro and Anchorage Fueling and Service Company have relocated their fuel lines

in summer 2006. Once these two force mains and the two fuel lines have been relocated, the Municipality of Anchorage's Department of Project Management and Engineering (PM&E) plans to construct the rest of the new creek channel in this area. The relocation of the fuel lines shall be authorized by separate individual DA permit or permit modifications. An additional 36-inch gravity sewer shall remain undisturbed beneath the two relocated force mains.

The new force main pipes would be constructed of high density polyethylene (HDPE). The pipes would be assembled onshore and installed in the trench in one complete piece and temporarily held in place with concrete weights before the trench is backfilled. The proposed construction method would minimize the time the trench is open and would reduce the time required to complete the overall project. The deepest part of the open-cut excavation would only be exposed for approximately 3 to 5 hours at a time during low tide periods. The trench would be excavated from the gravel road with track-mounted backhoe equipment.

A temporary 300-foot long, 36-inch HDPE bypass pipe would be connected to the existing 42-inch force main and sewer flows would be conveyed around the work area, near the toe of the existing railroad berm. This temporary pipe would be buried in a trench, approximately 5 feet deep and 5 feet wide to protect it from disturbance and tidal action.

An approximately 1,320 foot long existing gravel road provides access to the Chester Pump Station and follows the force main alignment until it reaches the tidal flats near Chester Creek culverts. Construction equipment can be stored in the 0.25 acre, flat, grass-covered nonwetland next to the pump station and the Coastal Trail. The contractor may opt to build a temporary access road on the tidal flats; in that event additional DA permit authorization would be required.

Construction work is scheduled to begin in either April or May 2007 and would last 11 weeks, which includes the time needed for mobilization and clean up and regrading. Each day, they would only be able to work at low tide. Tide cycles are more favorable in this period due to longer stretches of time of up to three weeks when high tides are less than 30 feet. This site becomes flooded at the 30-foot tide elevation. The long summer daylight is convenient to work in for projects where work can occur at night during low tide periods. Sewage flows from the pump station are generally lower during the dry summer months when infiltration and inflow is less. The lower flows would put less stress on the bypass pipe system that is anticipated to be in use for up to five weeks.

There would be no requirements for maintaining minimum silt limits or reducing impacts to the water quality in the stream or in Cook Inlet due to the excavation or backfilling work.

Additional information on this project may be obtained by calling Sirena Brownlee, HDR, Alaska, Inc., 644-2000.

MITIGATION: As a result of early project planning, the applicant has incorporated into the proposed project the following mitigation efforts to reduce impacts to the aquatic environment:

1) Wetland vegetation disturbed as a result of the AWWU utility relocation would be salvaged prior to disturbance and replaced once construction is completed. A topographical survey of the grass areas would be completed prior to removing the grass and would be used in placing the grass back at its original elevation.
2) The revegetation mitigation area from the MH-55 and B4-CD project would be avoided during construction activities. The mitigation area would be delineated with flagging and the contractors would be instructed to avoid this area. If impacts to this area cannot be avoided, then the mitigation area would be revegetated.
3) The surface of the work area would be restored to pre-construction contours by grading and smoothing the natural substrate to match the existing contours.
4) The construction work would remain within established work zone site boundaries. The project boundaries would be conspicuously delineated with flagging prior to initiation of any work involving wheeled or tracked vehicles or other heavy equipment in the mud flats.
5) The contractor shall minimize his work impacts on birds by temporarily ceasing equipment operation when the tide water edge is within 150 feet, measured horizontally, of the active work area. This limitation would not apply to the water edge within the channel of Chester Creek.
6) Noise from the project would be abated by providing a solid screen between continuously running and stationary equipment such as generators or pumps.
7) Flaggers and signage would be used to control traffic flow across the Coastal Trail when heavy equipment is crossing the Coastal Trail. Any material that falls from the trucks crossing the Coastal Trail would be cleaned up prior to the departure of flaggers.
8) Water that is removed from the excavation trench may be pumped or drained (without any filtration or treatment) back into the creek channel, provided it is not discharged to vegetated areas.
9) During dewatering activities, the contractor would have fish net and fish toes on hand to retrieve any stranded fish from the trench. The contractor would inspect the water in the trench for stranded fish before work activities begin by dragging the net around in the trench to see if there are any fish. Stranded fish would be removed with a king salmon dip net and paced in a fish tote with water from the channel and would immediately be taken and released into Westchester Lagoon.
10) A survey for red-necked grebe nests would be conducted in May 2006 on Westchester Lagoon. The nest locations and elevations would be mapped and used to determine if impacts to nests would occur during lowering of water levels in Westchester Lagoon.
11) AWWU would be responsible only for restoring the vegetated area directly south of Chester Creek that would be impacted as part of construction activities for the force main relocations (see Sheet 3).

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries

Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS). We have determined that the described activity may adversely affect EFH. The proposed work may affect approximately 1.6 acres of EFH for juvenile/adult coho salmon. This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work. This proposed project may also adversely affect associated species such as major prey or predator species which are not covered by Fishery Management Plans.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mary Lee Plumb-Mentjes at 753-2712, or by email at Mary.Plumb-Mentjes@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

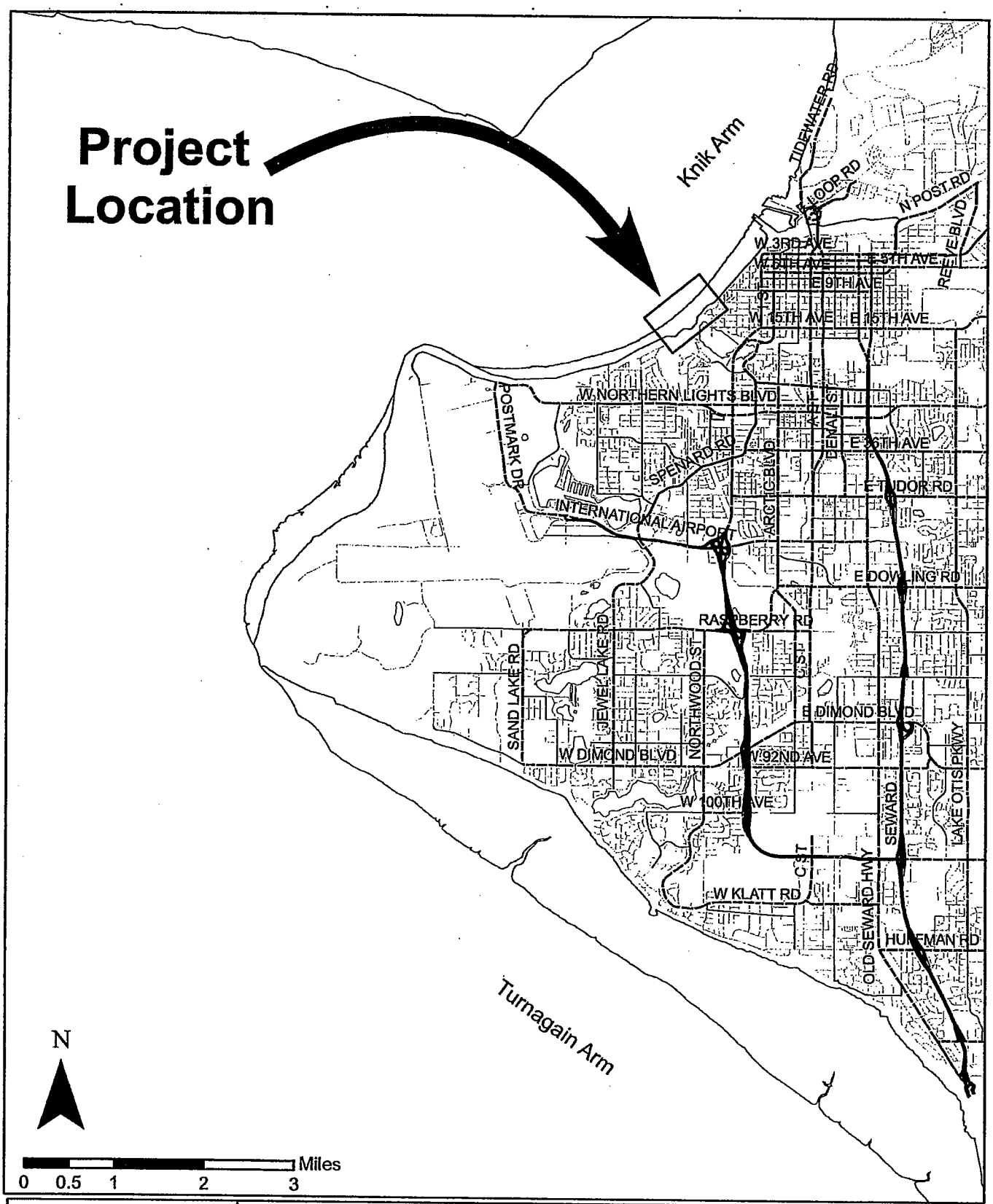
(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Plans, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

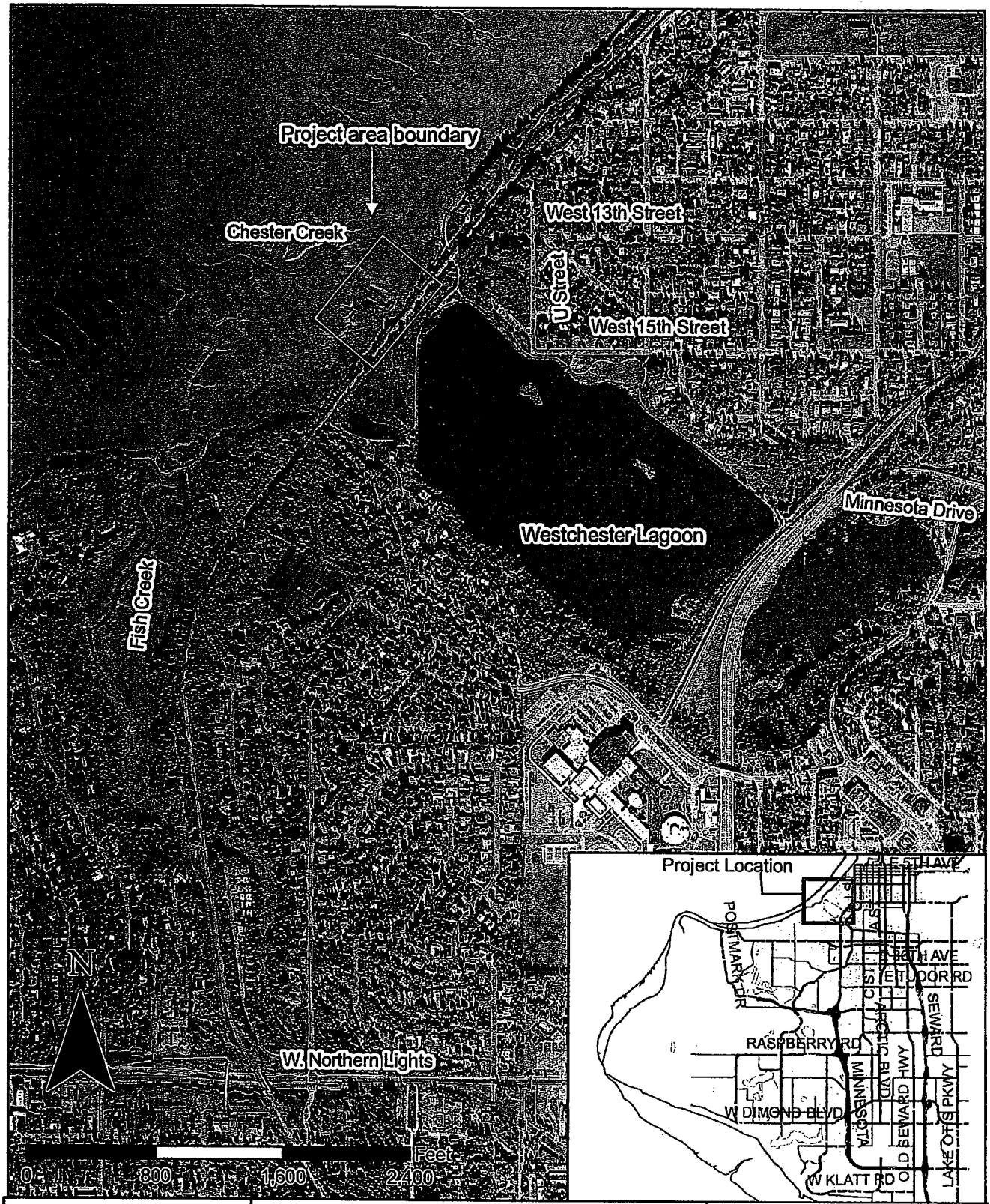
Attachments



Project Location Map
Application By:
Municipality of Anchorage
Anchorage Water & Wastewater Utility
Chester Creek Force Main Relocation

Chester Creek Force Main Relocation
Location: T 13N, R 4W, Section 24
Watebody Name: Chester Creek
Date: May 1, 2006
Sheet 1 of 5

POA-2006-854-2



Project Area
Application By:
Municipality of Anchorage
Anchorage Water & Wastewater Utility
Chester Creek Force Main Relocation

Chester Creek Force Main Relocation
Location: T 13N, R 4W, Section 24
Watebody Name: Chester Creek
Date: May 1, 2006
Sheet 2 of 5
POA-2006-854-2

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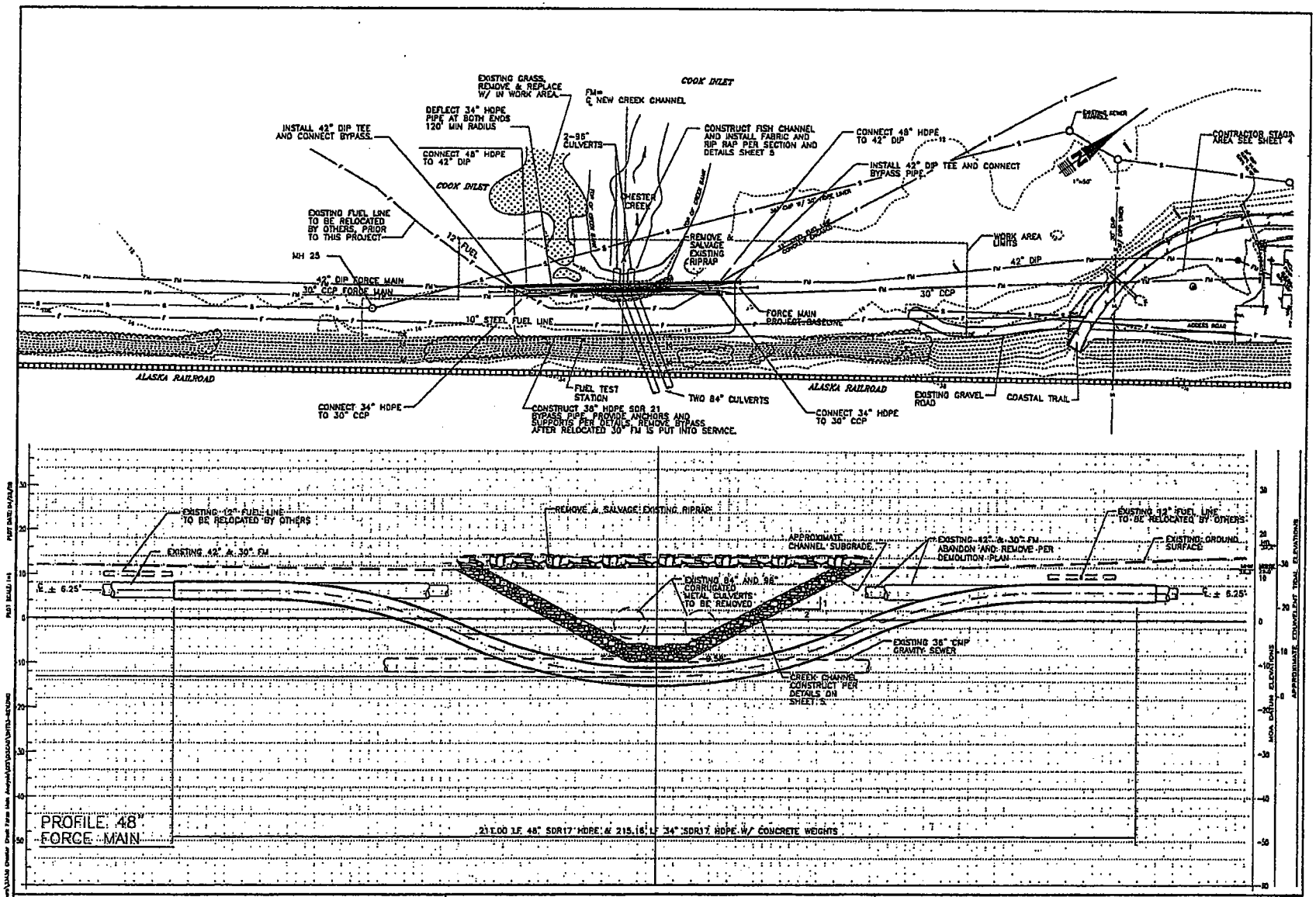


PURPOSE:
FORCE MAIN RELOCATION

Location: T. 13N. R. 4W
Section 24, S.M.

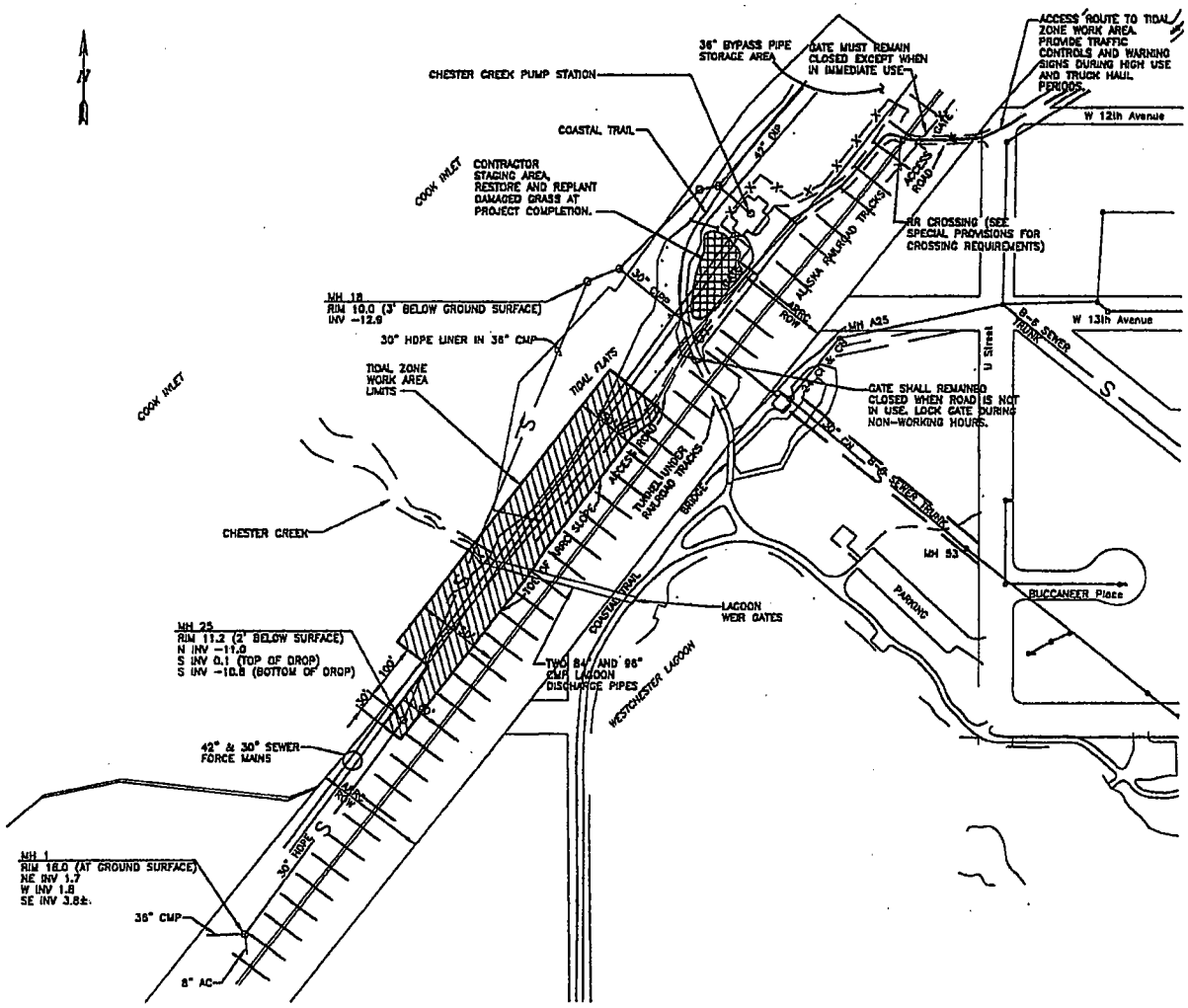
FORCE MAIN RELOCATION PLAN & PROFILE

APPLICATION BY:
MUNICIPALITY OF ANCHORAGE
ANCHORAGE WATER & WASTEWATER UTILITY
3000 ARCTIC BOULEVARD
ANCHORAGE, ALASKA
99503

Municipality of Anchorage
Anchorage Water & Wastewater Utility
Chester Creek Force Main Relocation Project

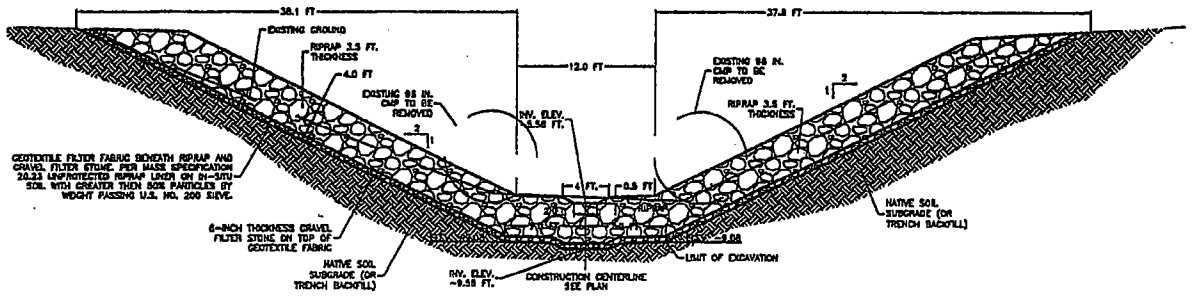
POA-2006-854-2

SHEET 3 OF 5 DATE: APRIL 30, 06

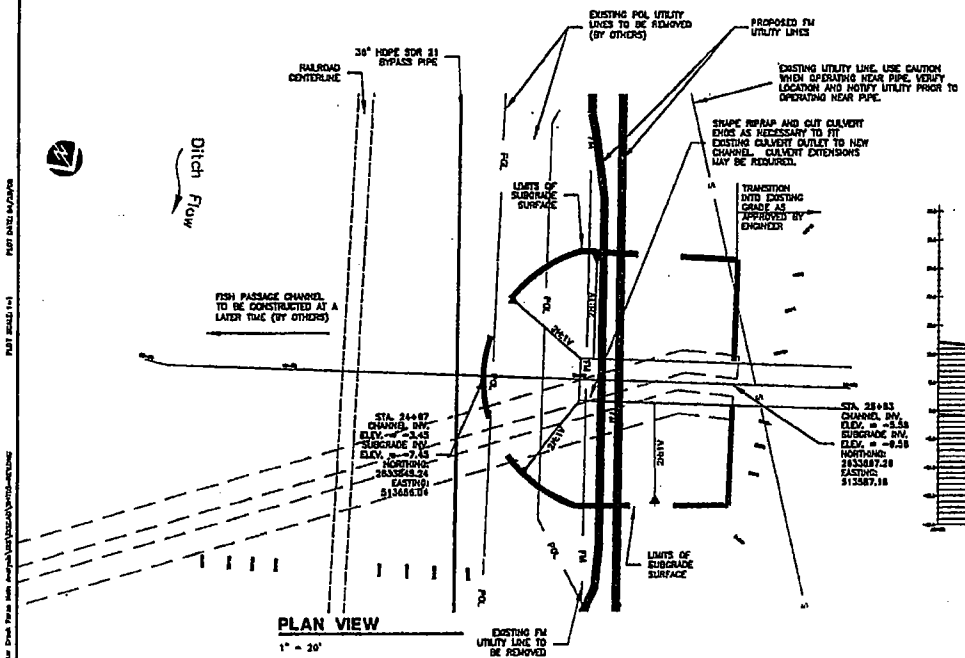


PROJECT AREA MAP

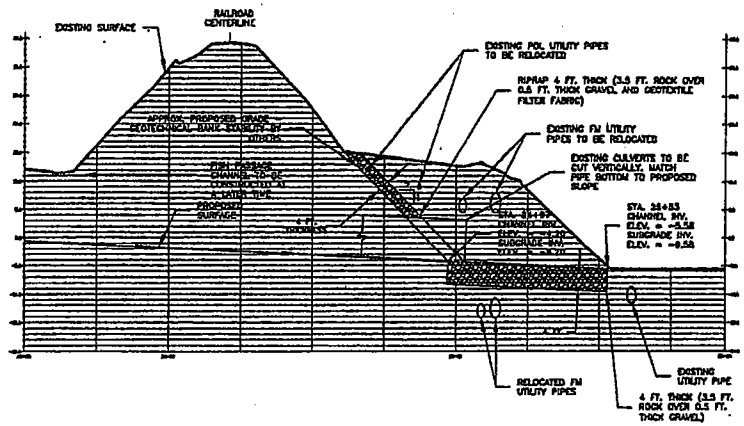
PURPOSE: FORCE MAIN RELOCATION Location: T. 13N. R. 4W Section 24, S.M.	**TIDAL ZONE WORK AREAS & ACCESS** APPLICATION BY: MUNICIPALITY OF ANCHORAGE ANCHORAGE WATER & WASTEWATER UTILITY 3000 ARCTIC BOULEVARD ANCHORAGE, ALASKA 99503	**Municipality of Anchorage** **Anchorage Water & Wastewater Utility** **Chester Creek Force Main Relocation Project** POA-2006-854-2 SHEET 4 OF 5 DATE: APRIL 30, 06



CROSS SECTION
1" = 5'



PLAN VIEW
1" = 20'



PROFILE VIEW ALONG FISH PASSAGE CHANNEL CENTERLINE
1" = 20'

DRAFT

PURPOSE:
FORCE MAIN RELOCATION

Location: T. 13N. R. 4W
Section 24, S.M.

FISH PASSAGE CHANNEL SEGMENT

APPLICATION BY:
MUNICIPALITY OF ANCHORAGE
ANCHORAGE WATER & WASTEWATER UTILITY
3000 ARCTIC BOULEVARD
ANCHORAGE, ALASKA
99503

Municipality of Anchorage
Anchorage Water & Wastewater Utility
Chester Creek Force Main Relocation Project

POA-2006-854-2

SHEET 5 OF 5 DATE: APRIL 30, 06

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMNT AND PERMITTING

ALASKA COASTAL ZONE MANAGEMENT
550 WEST 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501-3568

NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-2006-854-2, Chester Creek**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at http://www.gov.state.ak.us/gdc/Projects/projects.html.

Attachment #1

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2006-854-2, Chester Creek**, State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
555 Cordova Street
Anchorage, Alaska 99501-2617
Telephone: (907) 269-6281
FAX: (907) 269-7508

Attachment #2